

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION
MARCH 2011 TERM

TO: MEMBERS OF THE BAR AND OTHER PARTIES HAVING CIVIL JURY AND NON-JURY CASES LISTED:

Please take notice that **THE HONORABLE HENRY M. HERLONG, JR.**, Senior United States District Judge, has scheduled a **BAR MEETING** at 9:30 a.m. on *February 14, 2011*, in the U.S. District Courtroom, third floor, Clement F. Haynsworth Federal Building, 300 E. Washington Street, Greenville, South Carolina, for the **March 2011** term of court. **ALL ATTORNEYS MUST ATTEND THE BAR MEETING OR SEND A KNOWLEDGEABLE REPRESENTATIVE.**

JURIES for the cases to be tried during the session will be drawn at 9:30 a.m. on March 3, 2011, in Greenville, South Carolina. The jury list will be available in the Clerk's Office seven (7) days prior to jury selection. Pursuant to Local Rule 47.02 the Court will submit written interrogatories to the jury venire. Copies of the responses will be available for purchase. To purchase copies of questionnaires or obtain a list of jurors, a request form (found on the Court's website), must be submitted by local counsel to the Clerk's office via email at filingdocs_ecf_gren@scd.uscourts.gov, via fax at 864-241-2711 or via mail at 300 E Washington Street, Room 239, Greenville SC 29601. You are responsible for submitting the approved form to Aim Mail Center, (Telephone 864-288-2669), when purchasing the Questionnaires. Copies of the responses will be available for review in the Clerk's office seven days prior to jury selection. **THESE INTERROGATORIES WILL NOT BE REPEATED AT JURY SELECTION.**

TRIAL BRIEFS are expected to be e-mailed in WordPerfect format to chambers in accordance with Rule 26.05 of the Local Rules. **BRIEFS** are due at least **SEVEN (7) DAYS** prior to the beginning of the term of Court (the jury selection date is considered the "beginning" of the term of court).

Any **REQUESTS FOR CONTINUANCE** must set forth the specific reasons for the request, and must be filed electronically prior to the Bar Meeting. Requests must be agreed to and signed by the party and his/her attorney requesting and/or consenting to continuance.

If cases are settled, please notify Sheila Flanders in the Clerk's Office immediately at (864) 241-2710.

To provide for an orderly and expeditious disposition of the cases on the trial calendar, counsel and/or pro se parties must comply with the following provisions:

1. All **Requests to Charge, Requests for Voir Dire and Proposed Verdict Forms** shall be submitted to the court by email to Herlong_ecf@scd.uscourts.gov in **WordPerfect 9 format** at least one week prior to the beginning of the term of court. **These documents shall not be filed.** Proposed Verdict forms are not required; failure to submit a proposed verdict in a timely manner shall constitute waiver of the right to do so.

2. All **strikes for cause** must be submitted *jointly* by email to the Clerk's office at filingdocs_ecf_gren@scd.uscourts.gov **no later than 11:00 a.m. the day before jury selection.**
3. Attorneys for each side shall, at least **fourteen days** prior to jury selection, meet for the purpose of exchanging and marking all exhibits to be used at trial, and, where possible, agree on the admissibility of all trial exhibits. In the event there is an objection to any exhibit, the attorneys must notify the court of such objection *at least one day prior to trial*. Otherwise, such objection will be deemed waived. The exhibit list shall be furnished by each side to the Courtroom Deputy Clerk on the day of trial. All exhibits listed shall be deemed admitted for all purposes unless the Court denies admission based on objections submitted to the court as set out above.
4. **COUNSEL ARE REQUIRED TO USE THE ELECTRONIC COURTROOM PRESENTATION SYSTEM IN TRIAL.** If your case is going to trial and you did not participate in electronic courtroom training when it was offered, it is **YOUR** responsibility to contact the court clerk for information regarding use of the electronic courtroom PRIOR TO TRIAL. It is suggested that you arrange for your training for a time *at least 1 week* prior to the start of your trial. It is not possible to be trained the morning of trial, nor the day of jury selection. It may be possible to be trained in another divisional office closer to your office if necessary.

THE COURT WILL NOT CONSIDER ANY REQUESTS FOR CHARGE OR REQUESTS FOR VOIR DIRE SUBMITTED AFTER THE ABOVE DATE, NOR WILL ANY EXHIBITS BE CONSIDERED FOR ADMISSION DURING TRIAL.

For Non-Jury cases, **PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW** must be SUBMITTED *prior* to one week before the term.

When a civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, all juror's costs, including marshal's fees, mileage, and per diem, may be assessed equally against the parties and their counsel or otherwise assessed as directed by the court, unless the clerk's office is notified **at least one full business day prior to the date on which the action is scheduled for trial**. Notification to the clerk's office is necessary in order to notify jurors that their presence will not be required.

Please note that the Non-Jury cases added to the calendar may be called out of order and interspersed among the jury trials depending on available trial time and the estimated length of the proceedings. Parties and witnesses should be on stand-by for short notice.

In accordance with the provisions of 28 U.S.C. 636(c), you are hereby notified that the United States Magistrate Judges of the District Court, in addition to their other duties, may, upon consent of all parties in a civil case, and with the approval of the District Judge, conduct any or all proceedings, including a Jury or Non-Jury trial, and order the entry of a final judgment. The completed consent form must be submitted to the Clerk's Office no later than the date scheduled for the Bar Meeting.

BY DIRECTION OF THE COURT
LARRY W. PROPES, CLERK

Date: January 21, 2011

JURY TRIALS

7:09cv1586-HMH

Moss et al v. Spartanburg Co. School District No 7

Robert Moss
Ellen Tillett
Freedom From Religion Foundation Inc
Melisa Moss

Aaron J Kozloski
George Daly, **PHV**

v

Spartanburg County School District No 7

Kenneth Eugene Darr , Jr
Lori Halstead Windham, **PHV**
Eric Christopher Rassbach, **PHV**
Eric Nieuwenhuis Kniffin, **PHV**

(Amicus)

State of South Carolina ex rel Henry D.
McMaster, Attorney General

James Emory Smith , Jr

Motion hearing on all pending motions is set for February 9, 2011 at 10:00 a.m.
